

1

2

3 BEFORE THE FLORIDA JUDICIAL  
4 QUALIFICATIONS COMMISSION

5 INQUIRY CONCERNING A JUDGE NO. 04-239

Case No: SC05-851

6 JUDGE RICHARD H. ALBRITTON, JR.

7 -----/

8

9

10

11 DEPOSITION OF: KARA J. BERLIN

12 TAKEN AT: Smith, Tozian & Hinkle, P.A.  
13 109 North Brush Street, Suite 200  
Tampa, Florida 33602

14 DATE AND TIME: February 7, 2006  
3:00-4:44 p.m.

15 REPORTED BY: Thea J. Nichols, RPR  
16 Court Reporter,  
17 Notary Public, State of  
Florida at Large

18

19

20

21

22

23

24 CLARK REPORTING SERVICE  
101 E. Kennedy Boulevard, Suite 1485  
25 Tampa, Florida 33602



1 APPEARANCES:

2 Counsel for Judge Richard H. Albritton, Jr.:

3 SCOTT K. TOZIAN, ESQUIRE  
4 Smith, Tozian & Hinkle, P.A.  
5 Attorneys at Law  
6 109 North Brush Street, Suite 200  
7 Tampa, Florida 33602  
8 (813) 273-0063

9 Counsel for Judicial Qualifications Commission:

10 DAVID T. KNIGHT, ESQUIRE  
11 Hill, Ward & Henderson, P.A.  
12 Attorneys at Law  
13 101 East Kennedy Boulevard, Suite 3700  
14 Post Office Box 2231  
15 Tampa, Florida 33601-2231  
16 (813) 221-3900

17 Pursuant to notice, the deposition of  
18 KARA J. BERLIN was taken on behalf of Judge Richard  
19 H. Albritton, Jr., by oral examination, for the  
20 purpose of discovery, for use at trial, or both of  
21 the foregoing, or for such other purposes as are  
22 permitted under the applicable and governing rules.  
23  
24  
25



1		I N D E X	
2	WITNESS		PAGE NO
3	Called by		
	Judge Richard H. Albritton, Jr.:		
4	KARA J. BERLIN		
5	DIRECT EXAMINATION		
6	BY MR. TOZIAN.....	4	
7	CROSS-EXAMINATION		
8	BY MR. KNIGHT.....	60	
9	REDIRECT EXAMINATION		
10	BY MR. TOZIAN.....	88	
11	STIPULATION.....	90	
12	ERRATA SHEET.....	91	
13	REPORTER'S DEPOSITION CERTIFICATE.....	92	
14	CERTIFICATE OF OATH.....	93	
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			



1 P R O C E E D I N G S

2 Thereupon,

3 KARA J. BERLIN,

4 the witness herein, being first duly sworn on oath  
5 to tell the truth, the whole truth and nothing but  
6 the truth, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. TOZIAN:

9 Q. Will you state your name, please, ma'am?

10 A. Kara Berlin.

11 Q. And what is your occupation or  
12 profession?

13 A. I'm a law clerk for the United States  
14 Bankruptcy Court for Judge McKewen.

15 Q. And how long have you been employed in  
16 that capacity?

17 A. Five months.

18 Q. And how were you employed prior to taking  
19 the bankruptcy job?

20 A. I worked for the State of Florida, the  
21 Fourteenth Judicial Circuit, also as a law clerk.

22 Q. And could you tell me the dates of that  
23 service?

24 A. I don't remember the exact starting date,  
25 but the very beginning of January 2003, and then my





1 last day was September 1st of 2005.

2 Q. Now, when were you admitted to the bar?

3 A. October 2002.

4 Q. Was the Fourteenth Circuit job your first  
5 employment as a lawyer?

6 A. My first paid employment.

7 Q. Okay. Give us the benefit of your  
8 educational background, starting with undergraduate  
9 school.

10 A. I started Florida State University in --  
11 right out of high school in 1993, and I transferred  
12 in summer of '95 to USF and I graduated from USF.  
13 And then I went back to Florida State for law  
14 school in '99 and graduated in April 2002, and then  
15 took the bar.

16 Q. Now, when you first went to work in the  
17 Fourteenth Circuit, in which city were you located  
18 as a staff lawyer?

19 A. Marianna.

20 Q. And how long were you in Marianna?

21 A. Thirteen months.

22 Q. So that means you arrived in January of  
23 '03, and left in --

24 A. Yeah, I -- when I say the beginning of  
25 January, it was probably the 3rd or the 4th.



1 Q. Okay.

2 A. I mean, it was very early January that I  
3 started. And then I left like February 2nd of the  
4 following year.

5 Q. And you worked five days a week in  
6 Marianna as a staff lawyer?

7 A. At least.

8 Q. Okay. I have not had the privilege of  
9 being at the courthouse in Marianna. In what  
10 county is that?

11 A. Jackson.

12 Q. How many judges are located within that  
13 courthouse?

14 A. There is one -- at the time I was there,  
15 there was one full-time circuit judge, there's a  
16 county judge, and there was also our -- we had a  
17 shared judge between the Panama City office and  
18 the -- Marianna office is wrong, but courthouse.  
19 It's all the same circuit. So Judge Albritton went  
20 back and forth.

21 Q. Was there -- Judge Albritton was one  
22 circuit judge?

23 A. Judge Albritton was one circuit judge and  
24 he did the criminal docket in Marianna.

25 Q. Okay.



1           A.    He was not the full-time circuit judge.

2           Q.    Who was the full-time circuit judge  
3 during that time?

4           A.    Bill Wright.  And he did the civil  
5 docket.

6           Q.    Okay.  Now, how many days a week was  
7 Judge Albritton in Marianna during your thirteen  
8 months with the Fourteenth Circuit in Marianna?

9           A.    It varied.

10          Q.    Was it two or three days a week, or was  
11 it less than that or --

12          A.    One week of the month he would be there  
13 every day, in our trial week.

14          Q.    Okay.

15          A.    And then in the other weeks it would be  
16 about a half and a half split depending on what the  
17 schedules were.  If he didn't have anything going  
18 on, he didn't necessarily have to come to Marianna,  
19 although he sometimes would.

20          Q.    Where else would he go on days when he  
21 wasn't in Marianna?

22          A.    He also had chambers in Panama City and a  
23 docket.  I don't know what, though.  I don't know  
24 what his Panama City docket was.

25          Q.    Did he have any responsibilities,



1 Chipley, a place where there's a courthouse up  
2 there?

3 A. Chipley. It's six counties. It's  
4 Holmes, Washington, Bay, Jackson, Calhoun. And I'm  
5 sorry, I don't remember the other. Chipley is one  
6 of them.

7 Q. Okay. Was he roving so that he'd end up  
8 in Chipley sometimes, or do you know?

9 A. I don't know.

10 Q. Okay. You certainly know that he was in  
11 Marianna often, as you've described?

12 A. Yes.

13 Q. And in Panama City somewhat as well?

14 A. Yes.

15 Q. Okay. Were you assigned to any  
16 particular judge as a staff attorney?

17 A. No.

18 Q. Did you assist Judge Wright at times?

19 A. Yes.

20 Q. Did you assist the county judge?

21 A. Yes.

22 Q. Who was the county judge?

23 A. Woody Hatcher.

24 Q. And was he there -- the thirteen months  
25 you were there, was it Judge Hatcher the entire





1 time doing the county work?

2 A. Yes.

3 Q. Are you able to apportion for us the  
4 amount of time that you worked with Judge Wright  
5 versus Judge Albritton versus Judge Hatcher? And I  
6 understand that would be an estimate of sorts.

7 A. Certainly the majority was with Judge  
8 Albritton. Judge Hatcher was very rare. If I put  
9 it in percentages, a couple of percentage points.  
10 If he had something to give me, I was happy to do  
11 it, but he didn't give the staff attorneys much.  
12 So maybe eighty, fifteen, and five, but I don't  
13 feel very confident about that.

14 Q. Okay. But the vast majority was with  
15 Judge Albritton?

16 A. Yes.

17 Q. And what exactly does a staff attorney do  
18 with the judges that he serves?

19 A. It can vary with the judges, but as broad  
20 strokes, we do post conviction motions, filings and  
21 make recommendations to the judges, draft memos or  
22 orders related to the post conviction cases, and  
23 any additional projects in civil or in criminal  
24 beyond that, as the judges saw fit.

25 Q. As I understand it, Judge Albritton



1 handled juvenile cases in addition to circuit  
2 criminal cases, is that correct?

3 A. Yes.

4 Q. Did you assist him in the execution of  
5 his duties in juvenile cases?

6 A. I only had one assignment ever in  
7 juvenile, at least that I remember.

8 Q. So the vast majority of your time with  
9 Judge Albritton --

10 A. Criminal.

11 Q. -- was spent working on criminal cases --

12 A. Yes.

13 Q. -- assisting him with that docket?

14 A. (Nodding affirmatively.)

15 Q. Okay. How many days a week did he have  
16 criminal -- well, strike that.

17 How many days a month would he have some  
18 kind of criminal docket, if you've got twenty-one  
19 or twenty-two working days a month?

20 A. There are two days a month that were like  
21 the rocket dockets, an arraignment docket and then  
22 a pretrial docket, so that would be two. And then  
23 there were five days set for trial. And so those  
24 seven would be every month, although they often set  
25 other hearings on other days, but I couldn't really



1 quantify them.

2 Q. Okay. Suppression motions, motions to  
3 dismiss, violations of probation?

4 A. 850 hearings.

5 Q. Okay. And those were set on days other  
6 than the seven days designated for arraignment,  
7 pretrial and trial?

8 A. I believe that they did the VOP docket on  
9 one of those set days.

10 Q. Okay. Do you know how many hours a week  
11 you were putting in up there in Marianna when you  
12 were in Marianna?

13 A. It's a forty-hour work week. I'm not  
14 saying never I had worked extra, but it's basically  
15 a forty-hour work week.

16 Q. Okay. On average, how many hours a week  
17 were you working with Judge Albritton? Eighty  
18 percent of that time, I mean, as your estimate you  
19 gave us?

20 A. Can you clarify?

21 Q. Well, you said -- I mean, I don't know if  
22 I need an answer to that. You said eighty percent  
23 of your time was with Judge Albritton. I understand  
24 some weeks you --

25 A. Am I allowed to ask a question?



1 MR. TOZIAN: Sure.

2 MR. KNIGHT: Let me object. I think that  
3 mischaracterizes the testimony, but go ahead.

4 THE WITNESS: I don't understand if you  
5 mean with the judge or on the judge's work.

6 MR. TOZIAN: Yeah. I mean, working with  
7 him, yes. I mean, I realize you may be in the  
8 library doing research as opposed to sitting,  
9 you know, at his side.

10 THE WITNESS: Well, that's what I mean,  
11 there was more -- it would be a higher  
12 percentage on criminal files than it would be  
13 with him.

14 BY MR. TOZIAN:

15 Q. Did I understand you correctly, though,  
16 that eighty percent of your time was spent on his  
17 work?

18 A. Yes.

19 Q. Okay.

20 A. But I was -- yes.

21 Q. Okay. Sometimes you were with him,  
22 sometimes you weren't?

23 A. Yes.

24 Q. Now, did you know Jennifer Wells?

25 A. Yes.





1 Q. And who is she?

2 A. She's the trial court administrator.

3 Q. Did she have responsibilities in Marianna

4 in Jackson County?

5 A. The entire circuit.

6 Q. Okay. And were there occasions when she

7 was physically in Jackson County?

8 A. Yes.

9 Q. Now, when you first went to work there,

10 did you believe that you worked for her?

11 A. Yes.

12 Q. Okay. And where did you get that

13 impression?

14 A. From her.

15 Q. How often would you see Jennifer Wells?

16 A. A couple of -- every couple of weeks or

17 maybe once a month.

18 Q. Okay. Now, did there come a point in

19 time when Jennifer Wells came to you and tried to

20 get you to contact --

21 A. I didn't really keep track.

22 Q. Okay.

23 A. I don't want to be misleading.

24 Q. I understand. Certainly less frequently

25 than Judge Albritton?



1 A. Yes.

2 Q. Did you meet her shortly after you  
3 started in early January 2003?

4 A. I met her Day One.

5 Q. Okay. Did she give you things to do or  
6 tell you what you needed to do?

7 A. Not while I was in Marianna.

8 Q. Okay. Now, did there come a point in  
9 time when she, Jennifer Wells, came to you and  
10 prevailed upon you to complain to Judge Wolf about  
11 Judge Albritton?

12 A. Yes.

13 Q. Okay. When did that happen in relation  
14 to your starting time in January of 2003?

15 A. Probably sometime within the first six  
16 months.

17 Q. Okay. Now, who is Judge Wolf?

18 A. He's a judge on the district, the First  
19 DCA.

20 Q. And do you have some prior relationship  
21 with the judge?

22 A. I interned in his chambers.

23 Q. Okay. You were an intern at the First  
24 DCA while you were a student at the Florida State  
25 University?



1 A. Yes.

2 Q. And was that a semester long, that  
3 internship?

4 A. I chose to do it over the summer, so it  
5 was a summer internship.

6 Q. And did you work directly with Judge  
7 James Wolf?

8 A. Yes.

9 Q. Was Jennifer Wells aware of the fact that  
10 you had been previously -- you had previously  
11 served as an intern for Judge Wolf?

12 A. Yes.

13 Q. And do you know how she knew that?

14 A. It was on my resume, application. I  
15 probably mentioned it in conversation, but it was  
16 definitely on my resume.

17 Q. Did Jennifer Wells have anything to do  
18 with your hiring there on the Fourteenth Circuit?

19 A. I don't know.

20 Q. Did you interview with her?

21 A. No.

22 Q. Okay. Could you tell us how the subject  
23 of Jennifer Wells asking you to complain about  
24 Judge Albritton to Judge Wolf came about?

25 A. Not very clearly because I didn't really



1 take it as much the first time it happened. It was  
2 more of an in-passing thing and mentioned something  
3 about Judge Wolf, or the JQC was being talked about  
4 or something that prompted me to say, "Yeah, I know  
5 all about it, I worked for Judge Wolf," and that's  
6 kind of how it came up. And she said something to  
7 the effect of -- my wording won't be remotely  
8 correct -- but how I should call him or contact him  
9 or, you know, do something like that.

10 Q. And do what?

11 A. Oh, regarding -- it was in context to  
12 Judge Albritton, but it wasn't like a point -- like  
13 she didn't point blank say, "Call and report him,"  
14 but something to the effect of making a JQC  
15 complaint to Judge Wolf.

16 Q. Was there something that you and Jennifer  
17 Wells were talking about specifically about Judge  
18 Albritton, or did she just appear to generally not  
19 like him?

20 MR. KNIGHT: Let me object to the form.

21 You can go ahead and answer.

22 MR. TOZIAN: I didn't mean it to come out  
23 that way. I would have objected to the  
24 question too.

25 THE WITNESS: I didn't put enough memory





1 to the first -- to that incident, so I don't  
2 remember if we were talking about anything  
3 specific.

4 BY MR. TOZIAN:

5 Q. Okay. From that conversation, did you  
6 get an impression as to whether she liked him or  
7 didn't like him?

8 A. From that conversation?

9 Q. Yes, ma'am.

10 A. I thought it was strange. From that one  
11 alone, no.

12 Q. Did you happen to ask her, when she  
13 mentioned that, you know, "Why would I call Judge  
14 Wolf?" or anything along those lines, question her?

15 A. I already thought she didn't like him, so  
16 it didn't occur to me.

17 Q. Okay. All right. And --

18 A. It just wasn't from that conversation.

19 Q. Okay. Well, did she make other comments  
20 previously about Judge Albritton that led you to  
21 believe that she didn't like him?

22 A. Yes.

23 Q. Okay. And do you recall any of those  
24 comments?

25 A. Not specifically, just a general -- I



1 just kind of knew it.

2 Q. Okay. Was it pretty well-known, as far  
3 as you knew, amongst other people there?

4 MR. KNIGHT: Let me object to the form.

5 MR. TOZIAN: If you know.

6 THE WITNESS: Do I still answer if he  
7 objects?

8 MR. KNIGHT: Yes.

9 MR. TOZIAN: Sure.

10 THE WITNESS: Oh. I believe it was.

11 MR. TOZIAN: Okay. I mean, all his  
12 objections mean, when he says he objects to  
13 form, is I've got to ask better questions when  
14 we get in front of the panel.

15 THE WITNESS: Oh, okay.

16 MR. TOZIAN: And hopefully I will, but,  
17 you never know. If I get nervous, you know --

18 THE WITNESS: Okay.

19 MR. TOZIAN: Okay.

20 THE WITNESS: Well, you could just let me  
21 go and --

22 MR. TOZIAN: (Laughing.) We will in a  
23 little while.

24 BY MR. TOZIAN:

25 Q. In response to this request by Jennifer



1 Wells that you contact Judge Wolf about Judge  
2 Albritton --

3 A. No.

4 Q. -- did you contact Judge Wolf?

5 A. No.

6 Q. Okay. Did Jennifer Wells subsequently  
7 bring the subject up again?

8 A. Yes.

9 Q. Okay. How much later?

10 A. I don't know. Not right away.

11 Q. Okay. And what did she say on the next  
12 occasion?

13 A. I believe she asked me if I had contacted  
14 him.

15 Q. And what was your response?

16 A. No.

17 Q. Did you say anything further?

18 A. I don't think so.

19 Q. Did she make any subsequent exhortations  
20 to you to contact Judge Wolf after that?

21 A. At least one more time after that.

22 Q. Okay. So there was a second request that  
23 you complain to Judge Wolf about Judge Albritton  
24 from Jennifer Wells?

25 A. Yes.



1           Q.    On the second request, did you contact  
2   Judge Wolf?

3           A.    No.

4           Q.    Why not?

5           A.    I had no interest, first off, in  
6   initiating any complaint.  And second off, the  
7   first time I half thought she was kidding.  It  
8   never -- even if I had an interest in doing that, I  
9   would never have contacted the judge.  That's  
10   inappropriate.  I wouldn't have done that.

11          Q.    Okay.  So after the second request, you  
12   did not contact Judge Wolf about Judge Albritton?

13          A.    No.

14          Q.    Did Ms. Wells ever inquire, after the  
15   second request, if you had done what she asked?

16          A.    I think, if memory serves, that it had  
17   come up three times, so there would have been one  
18   more.

19          Q.    Now, just so you and I are clear on this,  
20   the request to you from Jennifer Wells to contact  
21   Judge Wolf about Judge Albritton occurred while you  
22   were in Marianna?

23          A.    Yes.

24          Q.    Okay.  So these subsequent two  
25   discussions about Judge Albritton and Judge Wolf





1       were prior to February of '04?

2           A.    Yes.

3           Q.    Okay.  During the time you were in  
4   Marianna, did Jennifer Wells ever tell you why she  
5   wanted Judge Albritton complained about?

6           A.    I don't think she ever explicitly --

7           Q.    Do you ever recall her bellyaching about  
8   something that he had done?

9                   MR. KNIGHT:  Let me object to the form.  
10                   Go ahead.

11          A.    Yes.  Not in connection to the requests  
12   necessarily.  I don't -- if it did happen, I don't  
13   remember it happening that way, but I do remember  
14   it happening.

15          Q.    Were there occasions when you were in  
16   Marianna when she would complain about something he  
17   had done?

18          A.    Yes.

19          Q.    Do you recall any specific complaints?

20          A.    No.

21          Q.    Okay.  I mean, later on, in Panama City,  
22   there was a specific complaint, correct, that she  
23   shared with you?

24          A.    Yes.

25          Q.    Okay.  But while in Marianna, there's



1 nothing that you recall that she specified about  
2 Judge Albritton?

3 A. Not that I recall.

4 Q. And I believe that you had said that it  
5 was your perception that other people were aware  
6 that Jennifer Wells did not care for Judge  
7 Albritton?

8 MR. KNIGHT: Let me object to the form.

9 A. Yes.

10 Q. Okay. Was there any perception as to  
11 whether or not Judge Albritton cared for Jennifer  
12 Wells?

13 A. Yes.

14 Q. And what was that perception?

15 A. The perception was it was mutual.

16 Q. Okay. People -- I mean, you believed  
17 they didn't like one another, is that a fair  
18 statement?

19 A. Yes.

20 Q. Okay. Did Judge Albritton ever say  
21 anything to you about Jennifer Wells?

22 A. Yes.

23 Q. I mean, in terms of what it was about her  
24 that he didn't care for?

25 A. No.



1 Q. Okay. But her name would come up just in  
2 the course of you performing your duties?

3 A. Are we still just talking about  
4 Marianna?

5 Q. Yeah, Marianna.

6 A. No.

7 Q. You never discussed her in Marianna?

8 A. I don't think so.

9 Q. Okay. Now, in February of '04, you go to  
10 Panama City, right?

11 A. Yes.

12 Q. And at that time you're not working for  
13 Judge Albritton, correct?

14 A. All the staff attorneys work for all the  
15 judges.

16 Q. Okay. But your direct contact with him  
17 was significantly more limited?

18 A. No. No.

19 Q. No?

20 A. Not then.

21 Q. Okay.

22 A. I can't answer that simply.

23 Q. Okay. That's fair. When you went to  
24 Panama City in February of '04, did Jennifer Wells  
25 ever bring up the issue of her dislike for Judge



1 Albritton?

2 A. In February of '04, when I went to Panama  
3 City?

4 Q. Or any time thereafter.

5 A. I had already been in Panama City before  
6 she did. It wasn't right away.

7 Q. I understand. Sometime after February of  
8 '04 -- my question is: Sometime after you arrived  
9 in Panama City, did Jennifer Wells bring up the  
10 subject about complaining about Judge Albritton  
11 again?

12 A. Yes.

13 Q. Okay. Now, we talked about there were  
14 three occasions when the subject was discussed  
15 while you were in Marianna, right?

16 A. Yes. But she never asked me, while I was  
17 in Panama City, to call Judge Wolf.

18 Q. I understand. But while you were in  
19 Panama City, did she bring up the subject of her  
20 desire to complain about Judge Albritton?

21 A. Yes.

22 Q. Do you know when that was in relation to  
23 your return in February -- excuse me, your arrival  
24 in Panama City in February of '04?

25 A. No. And I have tried --





1 Q. Okay. That's fine.

2 A. -- to get the time line.

3 Q. It was sometime subsequent to February or  
4 in or after February of '04?

5 A. Yes.

6 Q. Okay. Can you tell me how the subject of  
7 Judge Albritton came up with Jennifer Wells on that  
8 occasion back in Panama City?

9 A. She told me she wanted to talk to me.

10 Q. Was this face to face or over the  
11 telephone?

12 A. She called me and told me she wanted to  
13 talk to me.

14 Q. Okay. Now, when she called you and said  
15 that she wanted to talk to you, did you still  
16 believe that she was your boss?

17 A. Yes.

18 Q. Okay. All right. And did she say what  
19 she wanted to talk to you about?

20 A. No.

21 Q. Was it a very brief telephone  
22 conversation?

23 A. Yes.

24 Q. What else did she say?

25 A. We shouldn't be on court grounds or on



1 state property, we should go somewhere.

2 Q. Okay. And did you meet?

3 A. We planned to go get a cup of coffee.

4 Q. That same day?

5 A. Yes, later that same day.

6 Q. And when she said this to you, did she

7 give you any inkling what she wanted to talk about?

8 A. No.

9 Q. Okay. What was your impression that she

10 wanted to talk about?

11 A. I thought I was being fired.

12 Q. Okay. I mean, it was kind of a --

13 A. I thought it was about me. I thought I

14 did something wrong.

15 Q. Kind of a cryptic conversation and so it

16 was hard to decipher for you?

17 A. Yeah, very, very brief.

18 Q. Okay. Did you then go get the cup of

19 coffee?

20 A. Yes, we did.

21 Q. Okay. Where did you go for that?

22 A. I don't remember what the place was

23 called. There's a little place downtown. Later it

24 got busted for being a meth lab, so it would

25 probably be easy to figure out. Java Joe's or



1 something like that. I don't remember what it was  
2 called.

3 Q. Okay. And did you travel there together?

4 A. Yes.

5 Q. And did you drive or did she drive?

6 A. She drove.

7 Q. Okay. On the way there, did she tell you  
8 what she wanted to talk to you about?

9 A. I don't remember if she told me on the  
10 way or when we got there. I just don't remember.

11 Q. When you got with her, did she tell you  
12 that the -- what she had to talk to you about was  
13 confidential?

14 A. Yes.

15 Q. What else did she tell you in that  
16 regard?

17 A. She told me she had had a fight with the  
18 judge, told me what had happened, told me that she  
19 had decided to go after him, and that she wanted my  
20 help.

21 Q. And what response did you give to her?

22 A. Affirmative.

23 Q. And was that affirmative response --  
24 well, why did you give the affirmative response?

25 A. I didn't feel like I had a choice.



1 Q. Because you believed she was your boss?  
2 A. Yes.  
3 Q. Did you have further conversation that  
4 day about how she was going to -- what her plan was  
5 or how she wanted to utilize your assistance?  
6 A. Do you mean --  
7 Q. That day with --  
8 A. -- a different conversation?  
9 Q. No, while you were at java Joe's, that  
10 same day when you were there.  
11 A. Yes, we probably talked for an hour.  
12 Q. Okay.  
13 A. Give or take.  
14 Q. Okay.  
15 A. Maybe forty minutes, but, I mean, it was  
16 more in depth.  
17 Q. Was it mid morning or was it lunch time?  
18 Do you recall?  
19 A. It was before lunch.  
20 Q. Okay.  
21 A. And we finished up really just before  
22 lunch, so it was probably mid morning.  
23 Q. Okay. And what else did she tell you?  
24 Did she tell you what she wanted to do or --  
25 A. She told me, as I said, the story of --





1 or her interpretation of the story of what had  
2 happened between them, that she had talked to her  
3 family in deciding if she wanted to pursue this,  
4 that they had -- she had told them it could be a  
5 rough battle, but they had been supportive, and she  
6 decided this was just something she wanted to do.  
7 She told me she was getting all of the, you know,  
8 people who could help together and talking to them  
9 and going to pursue this.

10 Q. Did she indicate how many people that she  
11 was marshalling in this effort to go after Judge  
12 Albritton?

13 A. She indicated a quantity but not a  
14 specific quantity. She made it seem as if she had  
15 a following, but she didn't give me names or  
16 numbers.

17 Q. Okay.

18 A. And she asked me to contact -- well, she  
19 tried -- she asked me to give her additional  
20 information. And she also specifically asked me to  
21 contact two friends of mine that were still in  
22 Marianna to see if they would be interested in  
23 participating.

24 Q. So if I understand correctly, she asked  
25 you to try to recall specific instances of things



1     that Judge Albritton had done --

2           A.    Yes.

3           Q.    -- that she could use to go after Judge  
4     Albritton?

5           A.    To recall specific instances, or that I  
6     had experienced or heard of.

7           Q.    Did she specify which two friends in  
8     Marianna she wanted you to contact?

9           A.    Yes.

10          Q.    And who were those people?

11          A.    She wanted me to call -- I don't remember  
12     her last name. Her first name was Corrales, and  
13     she was a -- I guess she was a clerk. She was --  
14     might have been a deputy clerk, I don't know. And  
15     she asked me to call Larry Bassford, who was the  
16     chief prosecutor.

17          Q.    Did you agree to do that?

18          A.    Yes.

19          Q.    And why did you agree to do it?

20          A.    Again, I didn't think I had a choice.

21          Q.    Now, did she talk about -- did she  
22     specify about remembering big things versus small  
23     things? Did you have a conversation about that?

24          A.    She said anything I could remember.

25          Q.    Did she indicate that she had done any



1 research on the issue?

2 A. We're still talking about the  
3 coffeehouse?

4 Q. Yes, ma'am.

5 A. No. I don't think at the coffeehouse.

6 Q. Okay. At some point in time, did she  
7 tell you she had done some research on JQC cases?

8 A. Later.

9 Q. Okay. Where did that conversation take  
10 place?

11 A. She called me.

12 Q. And what did she tell you on that  
13 occasion?

14 A. She was reminding me to keep track and  
15 write a list of anything I could remember and said  
16 she had read a case from, I think it was the JQC,  
17 but I'm not positive, but where they referenced a  
18 crock pot or making a stew, and one thing alone  
19 might not matter, but if you put it all together,  
20 and that she wanted absolutely everything possible  
21 to go into the stew pot.

22 Q. She actually said that?

23 A. The wording could be slightly off, but  
24 yes.

25 Q. Just throw what we can, everything?



1           A.    Absolutely, yes.  I might not have the  
2   exact words, although it was either a crock pot or  
3   a stew pot or something to that effect, and to make  
4   a list and to write down everything, and it didn't  
5   matter how small, and to put everything in.

6           Q.    After the meeting at Java -- we'll say  
7   it's Java Joe's because that's the name you thought  
8   it was.  After the meeting in Panama City, the  
9   first meeting, how many times did she contact you  
10  after that to ask, you know, what you had  
11  remembered or to remind you to participate or to  
12  contact other people?

13          A.    A few.

14          Q.    Okay.

15          A.    Three to six.  I don't --

16          Q.    Okay.

17          A.    It wasn't a ton, but it was more than  
18  one.

19          Q.    On those occasions, what types of  
20  things -- what additional things would she tell you  
21  other than what you've discussed here?

22          A.    The one I just told you was one of them.  
23  Once or twice was to see if I had contacted other  
24  people she had asked me to contact, to remind me to  
25  keep a list, to -- once or twice was actually just





1 almost like a giddy schoolgirl: Here's where we  
2 are.

3 Q. Giving you an update?

4 A. (Nodding affirmatively.) But I was less  
5 responsive, so her calls were less as well.

6 Q. You say she was like a giddy schoolgirl?

7 MR. KNIGHT: Let me object to the form.

8 MR. TOZIAN: Is that what you said? I  
9 thought that's what you said.

10 THE WITNESS: I remember one call that I  
11 felt like it was almost schoolgirl behavior,  
12 kind of a, "Here's where we are," just almost  
13 an excitement about it.

14 BY MR. TOZIAN:

15 Q. She's excited about the case she was  
16 building against Judge Albritton?

17 A. In one of the calls.

18 Q. I understand.

19 A. I don't want to make that like a common  
20 thread.

21 Q. I understand.

22 A. In one of the follow-up calls.

23 Q. But weren't those your words: Giddy  
24 schoolgirl?

25 A. Yes.



1 MR. TOZIAN: Okay. I mean, I --

2 MR. KNIGHT: I didn't hear it.

3 MR. TOZIAN: Okay. I'm sorry. I didn't  
4 want to --

5 MR. KNIGHT: My apology.

6 MR. TOZIAN: That's okay.

7 MR. KNIGHT: You're talking to a man with  
8 less than perfect hearing.

9 MR. TOZIAN: That's okay. I just wanted  
10 to make sure I heard it right, David. My  
11 hearing is not good either.

12 BY MR. TOZIAN:

13 Q. Now, did she tell you why she wanted you  
14 to contact the clerk, Corrales?

15 A. There had been a -- she had believed  
16 Judge Albritton had said something inappropriate to  
17 her. It may have been a story I had told her, I'm  
18 not sure, but I -- for the record, it may have  
19 originally come from me.

20 Q. Okay.

21 A. And she wanted me to see if Corrales  
22 wanted to participate based on the allegation.

23 Q. And was the comment about how nice she  
24 looked?

25 A. It was something to the extent of what



1 she considered to be a harass -- that she told me  
2 she considered to be a harassing comment. I don't  
3 remember it exactly. Either it may have been that  
4 she was very pretty, or it may have even been  
5 something about her body. I don't remember the  
6 exact story.

7 Q. Okay. Did you ever contact  
8 Miss Corrales?

9 A. I attempted to contact Corrales, but we  
10 were no longer friends. I didn't get up with her  
11 and she had left the clerk's office and moved to  
12 Puerto Rico. And after she was gone, I didn't make  
13 any effort to contact her.

14 Q. Okay. Did you ever contact  
15 Mr. Bassford --

16 A. I did.

17 Q. -- as Ms. Wells asked you to?

18 A. I did.

19 MR. KNIGHT: I'm sorry, was that: I did  
20 not?

21 THE WITNESS: I did.

22 MR. KNIGHT: Oh, I'm sorry.

23 BY MR. TOZIAN:

24 Q. And did he have anything to add to the  
25 stew pot, do you know?



1 A. He wasn't interested in --

2 MR. KNIGHT: Wait, wait. Let me object  
3 to the form.

4 Go ahead.

5 THE WITNESS: Okay. Sorry.

6 He wasn't interested in participating.

7 BY MR. TOZIAN:

8 Q. And Mr. Bassford is the chief assistant  
9 in Jackson County?

10 A. At the time.

11 Q. Okay. I'm just curious, how old a guy is  
12 Mr. Bassford?

13 A. He'll be fifty this year.

14 Q. Is he a career prosecutor?

15 A. Eighteen years.

16 Q. To your knowledge, did Jennifer Wells  
17 have any difficulties, is my word, with anybody  
18 besides Judge Albritton?

19 A. Yes.

20 Q. Okay. Can you tell us who those people  
21 were?

22 A. The staff attorney, law clerk -- they  
23 switched us a couple of times while we were  
24 there -- that was there when I got hired and her  
25 had difficulties, to use your word. And there was





1 a general sense of judiciary and administration  
2 being on opposite sides.

3 Q. Was there a specific staff attorney that  
4 Jennifer had difficulties with?

5 A. Yeah. I'm sorry, his name is Don.

6 Q. Okay. And how do you know that -- this  
7 happened before you arrived, right?

8 A. Yes.

9 Q. Okay. And how were you aware of the fact  
10 that there was some difficulties between them?

11 A. They both told me, as did, actually, many  
12 people.

13 Q. Okay. Did Jennifer tell you about -- did  
14 she tell you about her run-ins with Mr. Dennis?

15 A. Oh, yes.

16 MR. KNIGHT: Let me object to the form.

17 Go ahead.

18 Q. And did she -- what did she say about  
19 that? What do you recall that she said?

20 A. She said once that Don never got it about  
21 how difficult she could make things for him. And  
22 she said how much nicer it was, like with me and  
23 Bev, because we would get along, and how much  
24 easier things were, and kind of like that.

25 Q. Okay. Did she use, as an example,



1 something that she did for Beverly because she  
2 liked her?

3 A. She got Beverly a chair, a new desk  
4 chair.

5 Q. Okay. And she didn't make it -- did she  
6 say she didn't make it easy on Mr. Dennis, is that  
7 what you're saying?

8 A. Yes.

9 Q. Okay. In the Amended Notice of Formal  
10 Charges filed by the JQC against Judge Albritton,  
11 the following allegation is made, and I'm going to  
12 read it to you, Paragraph 3: In February 2003, you  
13 advised Kara Berlin, trial court staff attorney, in  
14 the Jackson County Courthouse not to talk with  
15 assistant state attorneys.

16 Obviously the subject of that, what I  
17 just read, is Judge Albritton, when I say "you."  
18 Did Judge Albritton in fact, in February of 2003,  
19 advise you not to talk with assistant state  
20 attorneys?

21 A. I don't remember if it was February of  
22 2003. It seems like it would have been in January,  
23 closer to when I started, but I'm not sure. But he  
24 did -- but yes, as to just not sure about the date.

25 Q. Okay. Could you tell us what occurred



1 prior to this conversation between you and the  
2 judge?

3 A. I was speaking to a friend from law  
4 school that was working at the State Attorney's  
5 Office there in the hallway outside the elevator  
6 one day and he saw it, and that's what occurred.

7 Q. Okay. Did he speak to you in private  
8 about it?

9 A. Yes.

10 Q. And what precisely did the judge say to  
11 you?

12 A. That I was viewed as an extension of him  
13 and shouldn't be seen speaking to the prosecutors,  
14 it could be viewed as -- I don't know if he said  
15 improper or if he said ex parte, but just that I  
16 was an extension of the judge and shouldn't be  
17 talking to the prosecutors.

18 Q. Did he say he was concerned about the way  
19 the defense would interpret your speaking with the  
20 prosecutors?

21 A. I believe he said something about how it  
22 would appear to others who saw it, but I don't  
23 remember if it was specifically a defendant seeing  
24 it.

25 Q. Okay. Now, as you sit here today, does



1     that conversation that the judge had with you, how  
2     does that strike you?

3             MR. KNIGHT:  Let me object to the form.

4             MR. TOZIAN:  And by that I mean:  Does it  
5             offend you today or do you understand why he  
6             did it?

7             MR. KNIGHT:  The same objection.

8             Go ahead.

9             THE WITNESS:  There was a lot in there.  
10            I can't do yes or no.

11            MR. TOZIAN:  All right.

12            THE WITNESS:  As I sit here today, I  
13            believe I understand why he said it.

14   BY MR. TOZIAN:

15            Q.    I mean, he said what he said, right?

16            A.    Yes.

17            Q.    What you've described to us is what he  
18            said?

19            A.    Yes.  I meant -- you said do I understand  
20            or do I -- it was just confusing to me a little.

21            Q.    I understand.

22            A.    I believe I understand what he meant  
23            today.

24            Q.    What do you think he was getting at?

25            A.    I think he was cautioning me to make sure





1 we didn't give any appearance, that would upset  
2 anyone, of impropriety. I think he was trying to  
3 preserve our -- I don't want to say impartiality,  
4 because we weren't talking about a case, but  
5 essentially our separation.

6 Q. And do you think that's appropriate that  
7 a judge would have concerns over the appearance of  
8 impropriety?

9 A. Yes.

10 Q. At the time he said it to you, did you  
11 take it the way you've described it to me today?

12 A. No.

13 Q. At the time, what was your reaction?

14 A. I was mad.

15 Q. Okay. And why were you mad?

16 A. I hadn't done anything wrong and I was  
17 just talking to a friend, and I -- I was just mad  
18 because I hadn't done anything. I wasn't looking  
19 at it the way I'm looking at it today.

20 Q. You had a different understanding of it  
21 or no understanding of it at that point?

22 A. Yeah. All I looked at at that point  
23 was: Don't tell me who I can talk to, that's my  
24 friend, and I wasn't talking to him about anything,  
25 I wasn't doing anything wrong.



1 All I -- I wasn't doing anything wrong  
2 was what I was thinking.

3 Q. And as you sit here today, do you want to  
4 complain about this admonition that the judge gave  
5 you?

6 A. No.

7 Q. Do you think it was appropriate, as you  
8 sit here today?

9 A. Yes.

10 Q. Paragraph 4 alleges, as to Judge  
11 Albritton, and I'm quoting it, "At various times  
12 between February of 2003 and February of 2004,  
13 during breaks in trials you entered and sat in the  
14 Public Defender's Office in the Jackson County  
15 Courthouse in your robe," closed quotation.

16 To your knowledge, did Judge Albritton  
17 sit in the PD's office during breaks in his robe  
18 during that year?

19 A. Yes.

20 Q. Did anybody else sit in there?

21 A. Yes.

22 Q. Did you ever observe him sit in there?

23 A. Yes.

24 Q. Did you ever sit in there with him?

25 A. Yes.



1           Q.    What was the significance of -- or why  
2    did he sit in the PD's office during breaks, if you  
3    know?

4           A.    Closest to the -- they didn't have --  
5    chambers had no direct connection to the courtroom  
6    in that courthouse. And to get back to chambers,  
7    he had to go around, and the PD's office was right  
8    back behind the courtroom, so --

9           Q.    Was there an exit door at the courtroom  
10   that --

11          A.    The judges -- the door that the judge  
12   would use, or judge's staff, to get in the back way  
13   that was locked was right like -- was right next to  
14   them, to the PD's office.

15          Q.    Okay. To your knowledge, was he there  
16   for any improper purpose?

17               MR. KNIGHT: Let me object to the form.

18               You can answer.

19          A.    I don't know.

20          Q.    Okay. Did anybody, to your knowledge,  
21   ever complain that the judge would sit in there  
22   during his breaks in his robe?

23          A.    I don't think so.

24          Q.    Did Jennifer Wells ever mention to you  
25   that she was made aware that he would sit



1 occasionally at the Public Defender's Office in his  
2 robe during breaks in trials?

3 A. Specifically, I don't remember.

4 Q. Okay. Paragraph 5 reads, quote, "During  
5 the same time period you required, as a condition  
6 of probation, that a defendant attend church. When  
7 advised by the staff attorney that this was  
8 unconstitutional, you responded: I know that's  
9 wrong, but the defendant doesn't know it," closed  
10 quotation marks.

11 Were you present in court when this  
12 incident occurred?

13 A. Yes.

14 Q. Okay. Do you believe you're the staff  
15 lawyer to whom that paragraph refers?

16 A. Yes.

17 Q. Okay. Can you tell us the context in  
18 which that occurred?

19 A. The defendant's sister came to speak on  
20 his behalf and preacher came to speak on his behalf  
21 and I -- I don't remember if it was a first  
22 sentencing or violation or anything like that, but  
23 the -- it was in that context with they came in  
24 speaking at the sentencing.

25 Q. Did both the sister of the defendant and





1 the preacher speak on the defendant's behalf?

2 A. I don't remember. I think so, because  
3 more from that's usually the reason people came  
4 forward at sentencing, but I don't specifically  
5 remember if they did.

6 Q. I understand. Was it clear to you,  
7 though, that the sister identified herself as a  
8 sister, whether she spoke or not?

9 A. Yes.

10 Q. And again, the preacher, was he  
11 identified as the preacher?

12 A. Yes.

13 Q. Was it of her church, the church that she  
14 attended?

15 A. Yes.

16 Q. Was it also a church that the defendant  
17 had attended?

18 A. I think so.

19 Q. Okay. And did the judge in fact tell the  
20 defendant to attend church?

21 A. Yes.

22 Q. And did you then talk to the judge about  
23 that?

24 A. Right then in court?

25 Q. At any point thereafter.



1 A. Later, yes.

2 Q. Okay. Back in chambers?

3 A. Yes.

4 Q. And what did you tell the judge at that  
5 time?

6 A. That I -- that it wouldn't be an  
7 enforceable sentence, and that if he filed post  
8 conviction relief, they wouldn't be able to uphold  
9 it.

10 Q. And what response, if any, did you get  
11 from Judge Albritton, if you recall?

12 A. He said that he understood that it wasn't  
13 enforceable, but that he was trying to get the  
14 defendant on the right track, and the sister was  
15 very involved in church and he was hoping, you  
16 know, kind of to help him out and to get him more  
17 on the right track, but that he knew it wasn't  
18 enforceable.

19 Q. Was that the extent of the conversation?

20 A. Basically. I mean, it may not be word  
21 for word, but basically.

22 Q. Now, I want to jump around a little bit  
23 here, as if I haven't already, and I want you to  
24 tell me if you have ever spoken to any  
25 representative of the JQC.



1 A. Other than him (indicating)?

2 Q. No, I'll include him. I'll include  
3 Mr. Knight.

4 MR. KNIGHT: Go ahead.

5 THE WITNESS: Oh, I'm sorry, I didn't  
6 mean to point.

7 I just met Mr. Knight today. And I spoke  
8 with an investigator. I don't know quite how  
9 well the system works, so I don't -- I assume  
10 him to have been from the JQC, but I didn't  
11 get a card or anything, so -- but I think he  
12 was.

13 BY MR. TOZIAN:

14 Q. Okay. You spoke to Mr. Knight today for  
15 the first time?

16 A. Yes.

17 Q. Okay. Have you ever spoken to Tom  
18 McDonald, general counsel to the JQC?

19 A. I don't think so.

20 Q. Okay. You've never spoken to Judge Wolf  
21 about Judge Albritton's case?

22 A. No, I -- no.

23 Q. Okay. I mean, other than the  
24 investigator that you referred to, there's nobody,  
25 which you're aware, who represented the JQC with



1     whom you spoke?

2           A.    No.

3           Q.    Okay.  I'm just trying -- I mean, I don't  
4     expect that you should or shouldn't, I'm just  
5     trying to establish the extent of the contact.  
6     There's no trick there.

7           A.    Okay.

8           Q.    Okay.  Now, do you remember talking to a  
9     Mr. Butler?  The investigator, do you recall his  
10    name was Mr. Butler?

11          A.    I don't recall his name.

12          Q.    And did you -- how long ago did you talk  
13    to him?

14          A.    Long.  Long ago.  I was still there.  
15    I've been here five months, but it was long -- it  
16    was much closer, like within months of when this  
17    started, as opposed to close to when I left.  So it  
18    would be easier if I remembered when this started,  
19    but, a while ago.

20          Q.    Okay.  It was sometime during your stay  
21    in Panama City?

22          A.    Yes.

23          Q.    Okay.  And you were in Panama City from  
24    February of '04 to September of '05?

25          A.    Yes.





1 Q. Okay. Sometime during that time frame?

2 A. Yes.

3 Q. Okay. And how did you talk to him, by  
4 telephone or in person?

5 A. Both.

6 Q. Okay. Which did you do first?

7 A. Phone.

8 Q. Okay. And could you tell us what he said  
9 to you?

10 A. He called to schedule a meeting.

11 Q. And did he say he was with the JQC?

12 A. I want to say yes, because that's why I  
13 think he was. But if he didn't, I don't -- I won't  
14 swear to it, but I -- that was the -- I think so.

15 Q. Okay. What did the person say when they  
16 called you?

17 A. Had gotten my name from Jennifer and  
18 wanted to talk to me.

19 Q. Did he say what he wanted to talk about?

20 A. Well, about the JQC complaint with Judge  
21 Albritton, but he didn't -- nothing specific.

22 Q. I understand. But he identified that  
23 Jennifer Wells gave him your name and that he  
24 wanted to talk to you about Judge Albritton?

25 A. Yes.



1 Q. Okay. Other than that, you don't  
2 remember a lot of detail?

3 A. (Shaking head negatively.)

4 Q. But you knew that Jennifer had led him to  
5 you and that he was going to talk to you about  
6 Judge Albritton?

7 A. Yes.

8 Q. Okay. And did you make an appointment to  
9 speak to him in person?

10 A. Yes.

11 Q. Okay. When you talked to him on the  
12 telephone, did you tell him you were willing to  
13 talk about it or not willing to talk about it, or  
14 what was your response?

15 A. I said I would talk to him.

16 Q. Okay. And did you subsequently have  
17 conversations with anybody else about whether or  
18 not you wanted to speak with this gentleman?

19 A. Yes.

20 Q. Okay. And as a result of those  
21 conversations, did you come to some decision as to  
22 whether you wanted to talk to him or not?

23 A. Yes.

24 Q. Okay. And what was that decision?

25 A. I didn't want to talk to him.



1           Q.    Okay.  Now, where did you meet with this  
2 JQC representative?

3           A.    In the courthouse.

4           Q.    And did you meet him in --

5           A.    The chambers next to our office at the  
6 time were vacant and we went into the conference  
7 room area of those chambers.

8           Q.    At the point in time that you talked to  
9 this JQC person in the conference room, had Judge  
10 Albritton been transferred back to Panama City on a  
11 full-time basis?

12          A.    I think so.

13          Q.    Okay.  At some point in time he came back  
14 to Panama City, right?

15          A.    I can tell you when Judge Albritton came  
16 back, that isn't difficult, it's that I don't seem  
17 to have a good understanding of the rest.  But  
18 Judge Albritton came back in July of -- the same  
19 year I came, so '04.  The assignments changed and  
20 he came -- he was always there, so "back" is wrong,  
21 because as I say, he split the time, but he got  
22 reassigned permanently to Panama City.  And the  
23 problem here is that I don't remember when I talked  
24 to the guy.  David?

25          Q.    Huh?



1           A.    I want to say David, but I don't know.

2           Q.    The man's name?

3           A.    I think maybe, but I -- Jim? I don't

4    know.

5           Q.    I understand. You speak to him in the

6    conference room?

7           A.    Yes.

8           Q.    And tell me what you say to him.

9           A.    Ummm --

10          Q.    Did you tell him: I don't want to talk

11   to you?

12          A.    Oh, yes. I told him I didn't want to be

13   involved, that I hadn't actually ever wanted to be

14   involved and wished it hadn't even gotten that far,

15   but I wanted him to understand that I didn't want

16   to and I didn't want to proceed with this

17   conversation.

18          Q.    And what response did you get from this

19   gentleman from the JQC?

20          A.    That I did not have a choice, in a --

21   what I perceived to be threatening manner.

22          Q.    Did he say anything more than that?

23          A.    He said I was a member of the Florida Bar

24   and I had obligations and could be brought up on

25   charges of my own, or something to that extent.





1                   Again, none of this is word for word. I  
2       didn't walk around with a recorder for the rest of  
3       my life. If the wording was off, that's the  
4       impression I got.

5           Q.     And what was your response to this man  
6       when he told you you didn't have a choice and the  
7       things you told me?

8           A.     Unpleasantness.

9           Q.     But did you change your position from not  
10      wanting to talk to him to talking to him?

11          A.     I didn't change my position. I still  
12      didn't want to talk to him, but I did talk to him.  
13      Right or wrong, my interpretation was I did not  
14      have a choice.

15          Q.     Did you believe that he was going to file  
16      a grievance of some sort against you if you didn't?

17          A.     Oh, yes. Yes. I took it as a threat.

18          Q.     And do you recall what you told him that  
19      day, what you talked about?

20          A.     He asked questions, I answered them as  
21      best as I could.

22          Q.     Did he seem to have some prior knowledge  
23      of some of these incidents? Do you know what I  
24      mean? I mean, did he ask you about the hearing  
25      where the guy was told he had to go to church?



1           A.    I think he asked stuff from the written  
2   complaint, but I, if memory serves correct, believe  
3   he expanded beyond that.

4           Q.    I'm sorry, say that again.

5           A.    I believe that he went through the  
6   complaint, the written complaint, and asked me  
7   questions about that and then expanded beyond that.

8           Q.    And you answered his questions  
9   truthfully?

10          A.    To the best of my ability.

11          Q.    Okay. Did he record the conversation?

12          A.    Not that he told me.

13          Q.    Did he put you under oath?

14          A.    No, not that I remember.

15          Q.    Did he ever provide you with a summary of  
16   what you had told him as recorded by him?

17          A.    No.

18          Q.    Have you ever asked the JQC to provide  
19   you with a summary of the statement that you gave  
20   to this man?

21          A.    No.

22          Q.    Was that the last communication that you  
23   had with any JQC representative until you made the  
24   acquaintance of Mr. Knight here today?

25          A.    I think so.



1           Q.    Now, let me go back into this notice  
2           again. Can you estimate how many lawyers appeared  
3           in front of Judge Albritton during the time that  
4           you were in court with him?

5           A.    No.

6           Q.    Did you see every criminal defense lawyer  
7           in town at one time or another there in Marianna?

8           A.    Probably.

9           Q.    I mean, it's not a real big county,  
10          right?

11          A.    Right.

12          Q.    There's not a huge legal community,  
13          right?

14          A.    Right.

15          Q.    Okay. Did you see women appear in front  
16          of him?

17          A.    Yes.

18          Q.    On a fairly regular basis? And by  
19          "women," I mean female lawyers.

20          A.    Well, yes.

21          Q.    Okay. You saw male lawyers?

22          A.    Yes.

23          Q.    Did you see white lawyers?

24          A.    Yes.

25          Q.    Black lawyers?



1           A.    I don't remember any black lawyers.

2           Q.    Okay.

3           A.    Not specifically.

4           Q.    How did Judge Albritton treat lawyers, in  
5 your experience?

6           A.    Respectfully.

7           Q.    Was he consistently that way to them?

8           A.    Overall.

9           Q.    Was he very demeaning to attorneys while  
10 you were a witness?

11          A.    Not that I -- I don't believe so.

12          Q.    Do you know Tara Melton, a DCF lawyer?

13          A.    No.

14          Q.    Never met her while you were there?

15          A.    I don't think so.

16          Q.    The DCF lawyer would be in there during  
17 juvenile cases, correct?

18          A.    Yes.

19          Q.    Department of Children & Families?

20          A.    (Nodding affirmatively.)

21          Q.    Okay. And that would be cases that the  
22 judge wouldn't -- Judge Albritton didn't generally  
23 use your assistance in, isn't that what you told us  
24 earlier?

25          A.    I didn't do any juvenile.





1           Q.    Okay.  I mean, that would explain why you  
2           wouldn't know who the DCF lawyer -- this DCF lawyer  
3           was, right?

4           A.    Yes.

5           Q.    Have you -- is there anything that Judge  
6           Albritton did while you were there the year that  
7           you were there and worked with him that offended  
8           you or that you think reflects badly on him as a  
9           judge?

10          A.    No, he never offended me.

11          Q.    Well, what was your impression of him as  
12          a judge, if you would give us a general impression?

13               MR. KNIGHT:  Object to the form.

14          A.    He was my boss.

15          Q.    In terms of his performance as a judge, I  
16          mean, did you -- can you characterize it?

17               MR. KNIGHT:  Same objection.

18               Go ahead.

19          A.    He was kind.  He was definitely fair.  If  
20          anything, he was more liberal than I would have  
21          been.

22          Q.    Hadn't you previously told me about an  
23          occasion where you felt like there was a lawyer  
24          that, if you were in charge, you would have taken  
25          to task and he just let something slide?



1           A.    Yes.

2           Q.    Was that one occasion where you felt like  
3 he was kinder maybe than you would have been if you  
4 would have been donning the robe?

5           A.    He gave a lot of second chances. He  
6 liked to try and help.

7           Q.    And the particular instance that you  
8 related to me, that involved a female lawyer?

9           A.    Yes.

10          Q.    Pardon me if you've answered this  
11 question, Ms. Berlin, but going back to Marianna,  
12 when Jennifer Wells first approached you about  
13 going to Judge Wolf concerning Judge Albritton, did  
14 you respond to her when she asked you to do that?

15          A.    I'm sure I didn't say nothing, but I  
16 didn't respond affirmatively that I would contact  
17 him. I didn't contact him. I didn't tell her I  
18 would contact him.

19          Q.    Did you tell her the opposite, that you  
20 weren't interested in doing that?

21          A.    The first time, probably not.

22          Q.    Sometime thereafter, did you?

23          A.    I don't think I thought -- I think I half  
24 thought she was kidding the first time. I don't  
25 really -- didn't really take it as a "call a judge



1 and report a judge" serious thing.

2 Q. But you said she had mentioned it then a  
3 second and third time in Marianna to you?

4 A. Yes.

5 Q. And on those occasions, did you respond  
6 to her when she asked you to do that?

7 A. I responded that I hadn't contacted him,  
8 and I think I kind of tried to blow it off or push  
9 her off to not have a confrontation. But I never  
10 responded affirmatively to her that I would,  
11 because I never intended to.

12 Q. When you were in Marianna, did you ever  
13 see any judge hug any person in the courthouse?

14 A. Yes.

15 Q. Did you ever --

16 A. Did I ever see?

17 MR. KNIGHT: I'm sorry, I didn't hear  
18 you.

19 THE WITNESS: You asked me if I ever saw  
20 any?

21 MR. TOZIAN: Yes.

22 THE WITNESS: I don't know. Take the yes  
23 away. I don't know.

24 MR. KNIGHT: The SOA?

25 THE WITNESS: Take that yes away.



1 MR. KNIGHT: I'm sorry, forgive me.

2 THE WITNESS: I said yes, and I don't  
3 know.

4 BY MR. TOZIAN:

5 Q. Was it common in the Jackson County  
6 courthouse for lawyers to hug one another, in your  
7 observation?

8 A. It wasn't unheard of.

9 Q. I mean, did you ever hug --

10 A. Yes.

11 Q. -- lawyers you knew?

12 A. Yes.

13 Q. Okay. Did you ever hug any judges in  
14 that courthouse?

15 A. Yes.

16 Q. Okay. Did other people also -- I mean,  
17 some other people --

18 A. Yes, yes.

19 Q. I mean, depending on the occasion?

20 A. Yes.

21 MR. TOZIAN: I don't have anything  
22 further.

23 MR. KNIGHT: I've got a few questions.

24 CROSS-EXAMINATION

25 BY MR. KNIGHT:





1           Q.    Now, you related an incident to  
2   Mr. Tozian about the first week you were there,  
3   first week or so in Marianna, and the judge saw you  
4   talking to a prosecutor and he talked to you about  
5   that, gave you a lecture about it, didn't he?

6                   MR. TOZIAN:  Object to the form.

7           A.    Yes.

8           Q.    Okay.

9           A.    Or your question is two parts.  He talked  
10  to me about it.

11          Q.    Right.  Did you feel like you were being  
12  lectured about it?

13          A.    Yes.

14          Q.    Was he yelling at you during that  
15  conversation, at points during that conversation?

16          A.    I don't remember him yelling.

17          Q.    And do you recall a feeling as if you  
18  were being talked to as a child?

19          A.    I don't know.  I recall feeling like I  
20  was being talked to like I had done something  
21  wrong.

22          Q.    Okay.  And thereafter, if the judge ever  
23  saw you talking to a prosecutor in later times, did  
24  he tell you, call you on it?

25          A.    No.



1 Q. Okay. If he ever saw you talk to a  
2 public defender, did he ever say anything to you?

3 A. No.

4 Q. Did he ever see you talk to a public  
5 defender?

6 A. I don't know.

7 Q. Was it known within the courthouse or not  
8 known about whether the judge had a preference for  
9 the defense in criminal cases?

10 A. You mean rumor? When you say "known  
11 throughout the courthouse," rumor?

12 Q. Yes.

13 A. He seemed a little pro defense.

14 Q. And that was certainly your perception,  
15 wasn't it?

16 A. At times.

17 Q. Yes?

18 A. At times. Not all the time, but yes, at  
19 times.

20 Q. Okay. And you mentioned that he used to  
21 take breaks in the public defender's chambers or  
22 offices?

23 A. Yes.

24 Q. And that's when he was in his robes?

25 A. Yes.



1           Q.    And he told you that was his practice?  
2    Did he ever tell you that was his practice to take  
3    breaks over there?

4           A.    He -- I don't specifically remember. He  
5    may have.

6           Q.    Did you ever see him take breaks in the  
7    public defender's office during -- and be talking  
8    to an assistant public defender during a point  
9    where the assistant public defender was trying a  
10   case before the judge?

11          A.    I think so.

12          Q.    Okay. Did you ever ask the judge how he  
13   reconciled this concept of not wanting to appear --  
14   or wanting to appear impartial with his going to  
15   the public defender's office, talking to assistant  
16   public defenders for whom he was trying cases in  
17   that office?

18          A.    I don't remember asking him about it.

19          Q.    Did that ever concern you about his prior  
20   discussion with you about your need to seem  
21   impartial?

22          A.    Yes.

23          Q.    And did you believe that it was  
24   inappropriate for him to be over there in the  
25   public defender's office, particularly in robes



1 during the middle of a trial?

2 MR. TOZIAN: Object to the form.

3 A. Yes.

4 Q. Was the judge routinely late for court  
5 when he was in Marianna?

6 A. Yes.

7 Q. And were there occasions, not  
8 infrequently, where he would announce, for example,  
9 a fifteen-minute hearing and that would carry in to  
10 a one to two hour -- excuse me. Were there  
11 occasions when he would announce a ten- or  
12 fifteen-minute recess and that would stretch into  
13 an hour- or two-hour recess?

14 A. I truly don't remember times to answer  
15 that, but there were occasions that recesses would  
16 run longer than stated, but I can't speak to them  
17 turning that long.

18 Q. Now, you were asked, as part of the JQC  
19 proceedings, to sign an affidavit on behalf of  
20 Judge Albritton, weren't you?

21 A. Yes.

22 MR. KNIGHT: Let me get that marked. And  
23 forgive me, it's got highlighting on it which  
24 is mine, not yours, so let the record reflect  
25 that. But let me get that marked as Exhibit 1





1           and ask if you can identify that as being the  
2           affidavit you signed.

3                   (Exhibit Number 1 so marked.)

4   BY MR. KNIGHT:

5           Q.   How did you come to sign that affidavit?  
6   Did somebody contact you about talking concerning  
7   the subject matter?

8           A.   I spoke to the judge.

9           Q.   Okay. The judge calls you up and asks --  
10   did he ask you to provide an affidavit?

11          A.   Yes.

12          Q.   And --

13          A.   Well, he asked me if I would be willing  
14   to provide an affidavit.

15          Q.   I see. And what did you tell him?

16          A.   Yes.

17          Q.   And then did you prepare the affidavit?

18          A.   No.

19          Q.   Who prepared it?

20          A.   Harry, Harry Harper.

21          Q.   That was the judge's attorney?

22          A.   Yes.

23          Q.   And did you speak to Mr. Harper about the  
24   potential charges against the judge?

25          A.   Yes.



1 Q. Okay. And he asked you to sign that and  
2 you signed it for him?

3 A. Am I supposed to be reading it?

4 Q. Well, I just want you to identify it.

5 A. This is my signature, yes.

6 Q. And that is an affidavit that Mr. Harper  
7 prepared for you to sign?

8 A. Yes.

9 Q. And you signed it?

10 A. Yes.

11 Q. Okay. Now, with respect to the incident  
12 you talked about that's referred to in that  
13 affidavit concerning the judge, as a condition to  
14 probation, sentenced somebody or told somebody they  
15 had to go to church --

16 A. I'm sorry. I should put this down. Can  
17 you start over?

18 Q. Certainly.

19 A. I'm sorry.

20 Q. You recall the incident you testified to  
21 a little while ago about a criminal defendant  
22 appearing before the judge for sentencing and the  
23 judge sentenced him to probation and that as a  
24 condition of that probation he had to attend  
25 church, correct?



1           A.    Yes.

2           Q.    Okay.  And that was something you felt  
3   was inappropriate at the time, didn't you?

4           A.    Yes.

5           Q.    In fact, the assistant state attorney  
6   that was prosecuting the case spoke to you  
7   following that sentencing and told you he thought  
8   it was unconstitutional and that you ought to  
9   mention that to the judge?

10          A.    Parts of that are true, but not entirely.

11          Q.    Okay.  Well, set us straight on what's  
12   true and not true.

13          A.    The assistant state attorney spoke to  
14   me.  There was kind of a buzz reaction in the  
15   courtroom at the time it happened and --

16          Q.    What do you mean like a buzz reaction?

17          A.    Like a kind of, "Can that happen?  Can he  
18   do that?" kind of thing in the gallery.  And the  
19   assistant state attorney was speaking to me not as  
20   the assistant state attorney, was speaking to me as  
21   a friend and suggested to me that I should speak to  
22   the judge so that if this came back, I had spoken  
23   to him, and I worked for him and I needed to talk  
24   to him that I felt something might not be okay.  He  
25   wasn't telling me the judge sentenced something



1 wrong as a prosecutor, he was being my friend.

2 Q. And this was while you were in Marianna?

3 A. Yes.

4 Q. And by that point in time you knew you  
5 worked for the judge, didn't you?

6 A. Yes.

7 Q. You didn't work for Ms. Wells, you worked  
8 for Judge Albritton?

9 A. Oh, I was under the impression Ms. Wells  
10 was absolutely my boss. She made that quite clear.

11 Q. Did you report to Ms. Wells?

12 A. My time cards. She signed my time  
13 cards. I didn't get paid without her.

14 Q. Did she give you your instructions on  
15 what you were supposed to do and not do in respect  
16 to your job duties?

17 A. Day-to-day functions, no.

18 Q. Okay. At any rate, regarding this  
19 sentencing somebody to probation by having them go  
20 to church, after the prosecutor told you what he  
21 told you about that, did you then go in and warn  
22 the judge that you didn't think that was  
23 appropriate?

24 A. As I think I said, I went in to tell him  
25 that I didn't think that sentence could be upheld





1 and I was concerned, if the defendant filed for  
2 post conviction relief, that we would have to  
3 change the sentence.

4 Q. And at that time the judge told you that  
5 he knew it was wrong but the defendant didn't know  
6 it was wrong, is that correct?

7 A. He told me that he knew it wasn't  
8 enforceable but that the defendant didn't know it  
9 wasn't enforceable.

10 Q. Okay. Now, did you understand, while you  
11 were working for Judge Albritton, that he got a lot  
12 of his political support from churches and pastors?

13 A. I don't know anything about his political  
14 support.

15 Q. Okay. Did you ever hear around the  
16 courthouse that Judge Albritton was more lenient on  
17 a criminal defendant if he had a pastor come and  
18 speak on his behalf?

19 A. No.

20 Q. You've never heard that?

21 A. Not that I remember. I don't think so.

22 Q. Now, with respect to the affidavit, when  
23 the judge called you, did he ask you if you would  
24 consider providing an affidavit?

25 A. The judge didn't call me. It wasn't on



1     this. We were working on something and we were  
2     talking after.

3           Q.    I see. Were you working with the judge  
4     at the time you did the affidavit?

5           A.    Yes.

6           Q.    I see. And that was while you were in  
7     Panama --

8           A.    Well, you mean the time period?

9           Q.    Right.

10          A.    I mean, he wasn't there when I signed the  
11     affidavit. I don't want to answer wrong. I still  
12     worked for him, though, yes.

13          Q.    Okay. You were in Panama City as a staff  
14     attorney at the time period that you signed this  
15     affidavit?

16          A.    Yes.

17          Q.    And the judge, did he call you in person  
18     or over the phone?

19          A.    We were in person.

20          Q.    Okay. And did he invite you into his  
21     chambers to speak to him?

22          A.    We were already in chambers.

23          Q.    I see. You were there on another matter?

24          A.    Final hearing.

25          Q.    And what did he ask you to do?



1           A.    He asked me -- well, he told me a little  
2   bit about what had happened in the same way  
3   Jennifer had.  He asked me if I was involved.  He  
4   asked me if he had done anything that made me --  
5   either inappropriate or that made me uncomfortable  
6   or if I was unhappy or something like that.  He  
7   asked me how I felt and he asked me if I would be  
8   willing to do an affidavit on his behalf.

9           Q.    He asked you if you were involved in  
10 what?

11          A.    Jennifer's JQC complaint.

12          Q.    I see.  So by this point, a JQC complaint  
13 had been filed?

14          A.    Yes.

15          Q.    Did you ever see it?

16          A.    Yes.

17          Q.    Where?

18          A.    On the Smoking Gun web site.

19          Q.    What is that now?

20          A.    It was on an as a Smoking Gun web site.

21          Q.    Okay.  And so I pull up WWW --

22          A.    It's either The Smoking Gun or Smoking  
23 Gun.

24          Q.    The-Smoking-Gun-dot-com web site?

25          A.    Someone told me.



1 Q. Interesting.

2 A. So I don't know exactly how you get  
3 there, but --

4 Q. In any event, when you talked to the  
5 judge about your willingness to sign an affidavit,  
6 you told him you would?

7 A. Yes.

8 Q. And you didn't tell him you didn't want  
9 to get involved, did you?

10 A. No. I was already involved.

11 Q. At that point in time, did you understand  
12 the judge was your boss?

13 A. The judge was always my boss. I had a  
14 lot of bosses.

15 Q. I see. And did you tell him that you  
16 didn't feel comfortable signing an affidavit for  
17 him?

18 A. No.

19 Q. When you signed the affidavit, did you  
20 try to tell the truth?

21 A. Yes.

22 Q. When you met with Mr. Butler, the JQC,  
23 did you tell him the truth?

24 A. I tried.

25 Q. You didn't feel pressured to fabricate





1 things, did you?

2 A. No.

3 Q. And you didn't fabricate anything, did  
4 you?

5 A. Not intentionally.

6 Q. Well, is there anything, as you look back  
7 on it, that you can think of that you might have  
8 unintentionally fabricated?

9 A. I don't remember most of the  
10 conversation. If I could see it maybe.

11 Q. Okay. You mentioned that Mr. Butler,  
12 when he talked to you, went through a written  
13 complaint. Is that correct?

14 A. I think so.

15 Q. Did you get a copy of it?

16 A. No.

17 Q. Do you know what it looked like?

18 A. I think it was the same one -- it looked  
19 very similar to the one I saw on the web site.

20 Q. Did he show it to you?

21 A. No. This is -- I was glancing at it.

22 Q. He was holding something that he was  
23 reading and asking you questions concerning it?

24 A. I think so.

25 Q. You don't recall it was a document that



1 was handed to you for you to review?

2 A. He may have. I don't remember. He may  
3 have.

4 Q. Do you remember one way or the other?

5 A. Not certainly, no. I mean, not for  
6 certain.

7 Q. And when you talked to him and you told  
8 him you didn't want to get involved, why was that?

9 A. Why did I tell him that?

10 Q. Yes.

11 A. I actually -- because I didn't.

12 Q. Was it because you just don't want to get  
13 involved in those kind of things because they get  
14 messy and ugly?

15 MR. TOZIAN: Object to the form.

16 A. You're asking me why I didn't want to be  
17 involved?

18 Q. Right.

19 A. I worked for -- among others, but I  
20 worked for the judge and believe my loyalty is to  
21 the judge. And I never -- I was never of the  
22 opinion that he had done anything of a nature that  
23 required a complaint to the JQC. And it would  
24 have -- for me to have done something like that  
25 personally, it would have had to have been



1 something that I thought was egregious. And I  
2 didn't want to be involved.

3 Q. Okay. Now, when you provided the  
4 affidavit, did you understand that was going to be  
5 used in order to defend the judge?

6 A. Yes.

7 Q. And you -- at that point, did you feel  
8 loyalty to him?

9 A. Yes.

10 Q. Do you continue to feel that loyalty to  
11 Judge Albritton?

12 A. Yes.

13 Q. Has he provided any recommendations for  
14 you in connection with getting other employment,  
15 such as your current job with Judge McKewen?

16 A. No.

17 Q. And you never told Judge Albritton you  
18 didn't want to get involved when he asked for your  
19 help, did you?

20 A. No.

21 Q. Now, you were asked also about, I guess,  
22 the practice of hugging up there in Marianna?

23 A. Yes.

24 Q. Did I understand correctly you didn't see  
25 judges go around hugging other lawyers, did you?



1           A.    I didn't see -- no, I -- no, I didn't see  
2 judges hugging lawyers.

3           Q.    Did you see judges hugging other court  
4 personnel?

5           A.    Do I count? I mean, I wouldn't have seen  
6 it, but --

7           Q.    Did you ever see that?

8           A.    Do I count? I had hugs with other  
9 judges.

10          Q.    Judges?

11          A.    So I wouldn't have seen it, but I  
12 personally had hugs with other judges.

13          Q.    Was it common for any of the judges up  
14 there to grab a woman in mid thigh, squeeze it,  
15 look her in the eye and say, "Hello, darling"?

16          A.    No, it was not common.

17          Q.    Would you have found that offensive if  
18 that had happened to you?

19                MR. TOZIAN: Object to the form of the  
20 question.

21          A.    From the judges in Marianna?

22          Q.    Yes.

23          A.    No.

24          Q.    You would have thought that was normal?

25          A.    You asked me if I would have been





1     offended.

2           Q.    Right.

3           A.    I wouldn't have been offended.

4           Q.    Okay.  And had Judge Albritton done that  
5     to you, that would not have been anything that you  
6     found offensive?

7           A.    The way you've described it, I would not  
8     have been offended.

9           Q.    Okay.

10          A.    But I didn't witness that happen.  Did I  
11     answer that?

12               MR. TOZIAN:  That was clear.

13          Q.    Yeah.

14          A.    Okay.

15          Q.    You've never witnessed any judge do that,  
16     have you?

17          A.    No.

18          Q.    Now, were there instances where Judge  
19     Albritton, in court, talked down very harshly to  
20     people and made them cry?

21          A.    Defendants?  Court personnel?  I don't  
22     understand.  Defendants cried, I don't necessarily  
23     think as a product of Judge Albritton speaking  
24     harshly to them.  I've seen defendants cry because  
25     they're in court on criminal charges.  So I guess



1 the answer to your question is no.

2 Q. Okay. You've never told anybody that  
3 Judge Albritton would frequently talk down to  
4 people, talk to them harshly and make them cry?

5 A. I don't remember saying that.

6 Q. Did that happen? Not that you said it,  
7 but did you witness that happen?

8 A. I don't remember that happening.

9 Q. Now, you were telling us about Jennifer  
10 Wells and she wanted you to contact Judge Wolf and  
11 asked you on three separate occasions to do that,  
12 is that correct?

13 A. Uh-huh. Or she asked me once, and then  
14 she followed up twice on if I had.

15 Q. What did she ask you to complain about?

16 A. Anything.

17 Q. Was there anything specific mentioned?

18 A. Not that I recall.

19 Q. Did she just say: Make up something and  
20 complain to Judge Wolf about it?

21 MR. TOZIAN: Object to the form.

22 A. She never told me to make something up.

23 Q. Okay.

24 A. But I don't remember a specific instance  
25 she said to report.



1           Q.    I mean, you can't tell us what was going  
2   on that would have prompted, in your opinion,  
3   Ms. Wells to come to you and say, "You ought to  
4   report that to Judge Wolf"? I mean, was this just  
5   something in a vacuum, go complain to him, or was  
6   there anything specific that was being discussed at  
7   the time that would have been what you thought she  
8   wanted you to report?

9           A.    I don't remember.

10          Q.    Were you involved in telling Ms. Wells,  
11   during this period of time, things that you had  
12   concerns about with respect to Judge Albritton?

13          A.    Yes.

14          Q.    And was it these things you were  
15   complaining to her about that she said, "Why don't  
16   you go contact Judge Wolf"?

17          A.    I don't think it was anything direct like  
18   that.

19          Q.    Well, can you offer any of us here today  
20   any specifics then on what Ms. Wells asked you to  
21   go to the Judge Wolf about?

22          A.    I think I already said no, I don't  
23   remember.

24          Q.    Can you tell us any of the things you  
25   were telling Ms. Wells about Judge Albritton that



1 she might have taken as criticism on your part?

2 A. I believe I told her the story about --  
3 the entire story about the day in court with  
4 church. While I don't remember specifically, I  
5 probably told her these things that are in the  
6 report that we've been discussing regarding the  
7 PD's office and being late, probably.

8 Q. Okay. And as best you can recall as you  
9 sit here today, was it after you would make a  
10 complaint to her about Judge Albritton that she  
11 would then tell you, "Why don't you call Judge  
12 Wolf"?

13 A. No.

14 Q. Okay. You can't tell us at all what  
15 those -- the substance of what she wanted you to go  
16 to Judge Wolf about?

17 A. No.

18 Q. Now, you testified that Judge Albritton  
19 also had things or complaints about Ms. Wells,  
20 correct?

21 A. Complaints, no.

22 Q. Well, didn't you tell us that --

23 A. If I said that, I didn't -- then I  
24 answered -- no.

25 Q. Okay. Then forgive me, maybe I didn't





1 understand. Did I understand your testimony to be  
2 that Ms. Wells and the judge, Judge Albritton  
3 apparently did not get along with one another?

4 A. I believe they did not get along.

5 Q. And was there ever anything that Judge  
6 Albritton told you about Ms. Wells that you felt  
7 was critical of her?

8 A. He told me that they were discussing the  
9 complaint. He told me his version of what  
10 happened.

11 Q. Okay. Was there ever any -- apart from  
12 the fact that she filed a complaint against him,  
13 was there ever anything that he said about her that  
14 you took as being critical?

15 A. I think my answer before may have not  
16 been clear, if that's your follow up. He wasn't  
17 critical of the report, he was telling me his  
18 version of the same story she told me that I know  
19 led to the report. He didn't complain to me about  
20 her filing the report, that I remember.

21 Q. Okay. Let me see if I can follow that.  
22 Was there ever -- let me ask it one more time, just  
23 to make sure we're clear or not clear on this  
24 point. Was there ever any instance where Judge  
25 Albritton made a statement to you that you



1 considered to be critical of Ms. Wells?

2 A. Yes.

3 Q. Okay. When was that and what was it?

4 A. He told me about the fight they had had  
5 and he told me -- essentially, he told me about the  
6 fight they had had and that he certainly wasn't  
7 happy about it, so I guess you could consider that  
8 critical.

9 Q. Okay. Do you recall when he told you  
10 about that?

11 A. That was after the hearing.

12 Q. That was after charges had been filed  
13 against him?

14 A. That was -- I don't understand the JQC  
15 process. That was definitely after the complaint  
16 had been filed, but I don't understand, like what  
17 the probable cause versus that. I just don't  
18 understand the process. I don't know if it was --  
19 like are charges filed the minute the complaint is  
20 filed, or only when the JQC determines? I don't  
21 remember. Like I don't know that, but it was after  
22 she had filed the complaint.

23 Q. And then was that the first time you ever  
24 heard him say anything critical about Ms. Wells?

25 A. That I can remember.



1           Q.    And did he take that opportunity to try  
2   to give you his side of the story?

3           A.    Yes.

4           Q.    Okay.  And do you recall what he told  
5   you?

6           A.    A little bit.  It wasn't a very long  
7   conversation.

8           Q.    Can you tell us what he said?

9           A.    He told me they had a -- I don't know  
10   that he used the word "fight," but he told me they  
11   had an incident or a disagreement or something.  
12   And she had been -- I don't remember what he said  
13   she said, but I do remember that he was kind of  
14   laughing and he told me that he told her she needed  
15   to -- that he would -- he told her he would throw  
16   her in jail or something.  It was the same thing  
17   she had said.  It was one of those where, you know,  
18   you hear the two sides of the story, so that part I  
19   remember because he had -- or to keep out of his  
20   chambers or he'd have her arrested, something like  
21   that.  It was very similar to what she had said.

22          Q.    So he acknowledged that that's what he  
23   had said to her?

24          A.    Something very similar to what she said.  
25   I don't remember either's exact wording.



1 Q. Okay. Why did you leave your staff  
2 position in the Fourteenth Judicial Circuit?

3 A. Because it was a dead-end job.

4 Q. Okay. And did you ever have any run-ins  
5 with Ms. Wells while you were there?

6 A. Not while I was there, no.

7 Q. Did you have any subsequent to that?

8 A. Yep.

9 Q. Can you tell us about that?

10 A. They owe me money.

11 Q. Who owes you money?

12 A. The State of Florida. The Fourteenth  
13 Judicial Circuit administration gave me  
14 misinformation that caused a money problem that I'm  
15 still fighting, and in the context of that, my  
16 personal issue, I've had run-ins.

17 Q. Okay. And is Ms. Wells the person at the  
18 Fourteenth Judicial Circuit you blame for that  
19 problem?

20 A. No. Actually, no.

21 Q. Who is the person?

22 A. Larry Lyons.

23 Q. And who does he work for?

24 A. I don't -- I mean, he works with Jennifer  
25 because she's trial court administrator, but I





1 don't know the direct -- I don't know who else or  
2 who -- I don't know how the division works.

3 Q. So Larry Lyons works as a subordinate to  
4 Jennifer Wells?

5 A. I think.

6 Q. Okay. And you say you were -- what,  
7 things were misrepresented to you or you got  
8 underpaid, or what was it exactly?

9 A. Oh, no, it wasn't misrepresented. He  
10 made a mistake. He gave me misinformation and a  
11 deduction for health insurance was taken out of a  
12 check because he doesn't understand the system, and  
13 now I'm having to go through getting this  
14 recovered.

15 Q. I see. And did you complain to Ms. Wells  
16 about that?

17 A. Absolutely.

18 Q. Okay. And this was after you left?

19 A. Yeah.

20 Q. And what did you tell Ms. Wells?

21 A. Well, it's not word for word, but  
22 essentially that they had made this mistake, I  
23 hadn't done anything wrong, they weren't doing what  
24 they needed to fix it, that, as it had been when I  
25 worked there, that the administration in the



1 Fourteenth Circuit was deplorable.

2 Q. Okay. And did -- when did the problem  
3 occur?

4 A. This specific problem?

5 Q. Yes, this deduction.

6 A. It was taken out of my September paycheck  
7 after I was gone.

8 Q. And it still hasn't been resolved?

9 A. No. I have to appeal it.

10 Q. So apparently it is -- I mean, is the  
11 Fourteenth Judicial Circuit taking the position  
12 that they acted correctly?

13 A. I'm not sure. The Fourteenth Judicial  
14 Circuit is taking the position that they don't owe  
15 me any help anymore because I don't work there.

16 Q. I'm sorry, they don't owe you help for  
17 what?

18 A. The Fourteenth Judicial Circuit took the  
19 position that they weren't responsible for doing  
20 anything regarding this because I no longer worked  
21 there and that I needed to take care of fixing this  
22 problem myself.

23 Q. Okay. And who is your appeal against,  
24 The Fourteenth Judicial Circuit, the State of  
25 Florida, or who?



1           A.    The benefits administrator is People's  
2   First.  I need to appeal to People's First.

3           Q.    Were you upset when the Fourteenth  
4   Judicial Circuit said they wouldn't give you any  
5   assistance?

6           A.    Of course.

7           Q.    And did that come to you through  
8   Ms. Wells?

9           A.    It started with Larry.  I attempted to --  
10   Jennifer had, up until that point, been more  
11   helpful and Larry had not.  And I had hoped that  
12   Jennifer would step in, but she, like Larry,  
13   decided she was not going to, so it came from both  
14   of them.

15          Q.    Okay.  And as you sit here today, do you  
16   currently have unfavorable feelings towards  
17   Ms. Wells?

18          A.    Yes.

19          Q.    Could you describe the unfavorable  
20   feelings you have for her?

21          A.    No.  You've described it with  
22   "unfavorable."

23          Q.    Okay.  Have you had any other incidents  
24   with Ms. Wells that have upset you?

25          A.    One.



1 Q. And that would be what?

2 A. Yes, one.

3 Q. What?

4 A. That she involved me in something she  
5 knew I never wanted to be.

6 Q. That was the JQC charges?

7 A. Yes.

8 Q. Anything else?

9 A. Not that I recall.

10 Q. And can you tell me, as you sit here  
11 today, are your feelings for Ms. Wells a dislike?

12 A. No.

13 Q. Simply unfavorable?

14 A. Yes.

15 Q. Okay. And your feelings toward Judge  
16 Albritton are favorable?

17 A. Yes.

18 MR. KNIGHT: That's all I've got.

19 MR. TOZIAN: I have a couple of  
20 questions.

21 REDIRECT EXAMINATION

22 BY MR. TOZIAN:

23 Q. When the JQC investigator spoke to you in  
24 person, did he take notes while you were speaking?

25 A. Yes, I think so.





1           Q.    And when you talked to him about Judge  
2   Albritton, did you relate to him the conversation  
3   that you had with Judge Albritton wherein Judge  
4   Albritton said to be careful talking to the  
5   prosecutors?

6           A.    I think so.

7           MR. TOZIAN:  Okay.  I don't have anything  
8   else.

9           MR. KNIGHT:  Nothing.  Did ya'll talk  
10   about reading and signing?

11          MR. TOZIAN:  Do you want to read or do  
12   you want to waive?

13          THE WITNESS:  Oh, no, I want to read and  
14   sign it.

15          MR. KNIGHT:  Always the lawyer.  There  
16   are not many lawyers that will waive.

17          I will again tell you after I hear from  
18   the JQC on what their policy is about taking  
19   copies.  At this point I can't tell you.

20          THE COURT REPORTER:  Are you ordering?

21          MR. TOZIAN:  Yeah, I want it.

22          THEREUPON, the deposition of KARA J.  
23   BERLIN, taken at the instance of Judge Richard  
24   H. Albritton, Jr., was concluded at 4:44 p.m.

25



1                               STIPULATION

2                               IT WAS STIPULATED BETWEEN counsel for the  
3       respective parties, with the consent of the  
4       witness, that reading and signing of the foregoing  
5       deposition by the witness not be waived.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1

2 PLEASE ATTACH TO DEPOSITION OF KARA J. BERLIN TAKEN  
 3 ON FEBRUARY 7, 2006 IN THE CASE OF: INQUIRY  
 CONCERNING JUDGE RICHARD H. ALBRITTON, JR.

4

## ERRATA SHEET

5 Instructions:

6 Please read the transcript of your  
 deposition and make note of any errors in  
 7 transcription on this page. Do NOT mark on the  
 transcript itself. Please sign and date this  
 sheet. Thank you.

8

PAGE LINE	CORRECTION AND REASON THEREFOR
-----------	--------------------------------

9

10

11

12

13

14

15

16

17

18

19

20 I have read the foregoing pages and,  
 except for any corrections or amendments noted  
 21 above, I hereby subscribe to the transcript as an  
 accurate record of the statements made by me.

22 SIGNED AT \_\_\_\_\_, Florida, this  
 23 \_\_\_\_\_ day of \_\_\_\_\_, 2006.

24

---

 KARA J. BERLIN

25



## 1 REPORTER'S DEPOSITION CERTIFICATE

2

3 STATE OF FLORIDA )

4 COUNTY OF HILLSBOROUGH )

5

6 I, THEA J. NICHOLS, Registered  
7 Professional Reporter, certify that I was  
8 authorized to and did stenographically report the  
9 deposition of the foregoing witness; that a review  
10 of the transcript was requested; and that the  
11 transcript is a true and complete record of my  
12 stenographic notes.

13

14 I FURTHER CERTIFY that I am not a  
15 relative, employee, attorney or counsel of any of  
16 the parties to this cause, nor am I a relative or  
17 employee of any of the parties' attorney or counsel  
18 connected with this action, nor am I financially  
19 interested in the outcome of this action.

20

21 Dated this 21st day of February, 2006, at  
22 Tampa, Hillsborough County, Florida.

23

24

25 \_\_\_\_\_  
Thea J. Nichols, RPR





1 CERTIFICATE OF OATH

2

3 STATE OF FLORIDA )

4 COUNTY OF HILLSBOROUGH )

5

6 I, the undersigned authority, certify  
7 that KARA J. BERLIN, the witness named herein,  
8 personally appeared before me for the taking of the  
9 foregoing deposition and was by me first duly sworn  
10 to tell the whole truth.

11

12 Witness my hand and official seal this  
13 21st day of February, 2006.

14

15

16 \_\_\_\_\_  
Thea J. Nichols, RPR  
17 Notary Public, State of Florida  
My Commission No. DD 482813  
Expires: October 17, 2009

18

19

20

21

22

23

24

25

